

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**CARLOS ORTIZ PAGAN,**  
Plaintiff

v.

**MEGAN'S LAW,**  
Defendant

: No. 1:25cv691  
:  
: (Judge Munley)  
:  
: (Chief Magistrate Judge Bloom)  
:  
:

**ORDER**

Before the court for disposition is a report and recommendation ("R&R") from Chief Magistrate Judge Daryl F. Bloom, which recommends dismissing Plaintiff Carlos Ortiz Pagan's civil rights complaint without prejudice. (Doc. 8). The R&R further recommends providing Pagan with twenty (20) days to file an amended complaint addressing the defects of his initial pleading as identified in the R&R. (Id.)

Chief Magistrate Judge Bloom issued the R&R on May 1, 2025. By rule, objections to the R&R were due within fourteen (14) days of the issuance of the R&R, or on May 15, 2025. See M.D.PA. L.R. 72.3. Pagan, however, is presently incarcerated at State Correctional Institution, Houtzdale, and it appears that he was recently transferred there from the Dauphin County Prison. Pagan advised the court of his new address on May 6, 2025, (Doc. 9), and various documents

were remailed to the plaintiff on May 12, 2025, including another copy of Chief Magistrate Judge Bloom's R&R.

On June 3, 2025, Pagan filed a motion for leave to file an amended complaint and add new defendants. (Doc. 12). Based on a letter from Pagan asking for an extension of time to correct his complaint, docketed on June 9, 2025, (Doc. 13), it appears that Pagan has received the R&R and wishes to move forward with an amended complaint.

No objections to the R&R have been filed. The court has provided additional reasonable time for Pagan to object to the R&R under his particular circumstances. Rather than challenge the R&R with objections, Pagan seeks leave to file an amended complaint.

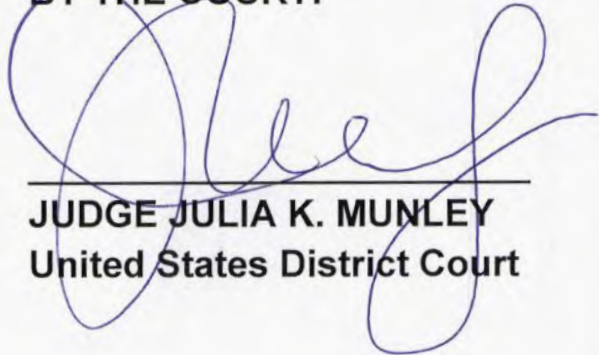
In deciding whether to adopt the R&R where no objections have been filed, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983). After review, the court finds neither a clear error on the face of the record nor a manifest injustice. Therefore, the R&R will be adopted.

The R&R recommends providing Pagan with leave to file an amended complaint. Pagan's motion for leave to file an amended complaint will thus be granted. The R&R suggests providing Pagan with twenty (20) days to amend his complaint. Pagan, however, requests additional unspecified time to file his amended complaint. Based on his recent transfer to SCI-Houtzdale, the plaintiff will be provided with thirty (30) days to file his amended complaint. Pagan, however, is forewarned that the failure to file an amended complaint by the extended deadline will result in an order dismissing this action with prejudice. Accordingly, it is hereby **ORDERED** that:

- 1) The chief magistrate judge's R&R, (Doc. 8), is **ADOPTED**;
- 2) Pagan's complaint, (Doc. 1), is **DISMISSED** without prejudice to the plaintiff endeavoring to correct the defects identified in the R&R;
- 3) Pagan's motion for leave to file an amended complaint, (Doc. 12), is **GRANTED**;
- 4) Pagan shall file any amended complaint within thirty (30) days of the date of this order; and
- 5) If the plaintiff fails to file an amended complaint within this timeframe, the court will dismiss this action with prejudice and direct the Clerk of Court to close this case.

Date: 6-10-25

BY THE COURT:



A handwritten signature in blue ink, appearing to read 'Julia K. Munley', is written over a horizontal line.

JUDGE JULIA K. MUNLEY  
United States District Court